

REMARKS

In the present application, claims 1-26 are pending. Claims 1-26 are rejected. As a result of this amendment, claims 1-26 are believed to be in condition for allowance.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 1-26 as being unpatentable over 3GPP TS 04.60 in view of Mohindra et al. (6,816,881). With respect to independent claims 1, 7, 13, and 20, the Examiner asserts that 3GPP TS 04.60 teaches “a method for operating a wireless communication system having packet data capabilities, comprising: sending a message from a mobile station to a network on a same physical channel that is used to transmit packet data. The message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station; and in response to receiving the message, sending PSI messages from the network to the mobile station over the same physical channel used to transmit the packet data.” The Examiner further allowed as “3GPP TS 04.60 fails to disclose that the mobile station can specify individual system information messages, it desires, to the network and that the network complies with the request.” The Examiner then further asserts that “Mohindra discloses a method for providing inter-application communication between a sending device and one or more receiving devices in a wireless network” and, further, that “Mohindra teaches that a mobile station can request specific system information messages from the network and the network will only send the requested system information messages.”

The Examiner then asserts that “It would have been obvious to one having ordinary skill in the art at the [sic] invention was made to modify 3GPP TS 04.60’s method by incorporating Mohindra’s push procedure, the motivation being the mobile station can save radio resources and reduce battery consumption by not requesting unnecessary system information such as the one already stored in the system each time it changes cells or while moving in the same cell.”

Applicants respectfully disagree with the Examiner’s characterization of the teachings of 3GPP TS 04.60. Specifically, Applicants maintain that 3GPP TS 04.60 does not teach a

“message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station” as asserted. To clarify this failing of the disclosure of 3GPP TS 04.60 vis-à-vis the recitation of claim 1, claim 1 is amended herein to more particularly describe the nature of the message sent from the mobile station. Such amendment makes clear the difference between the teachings of the cited art and the recitations of claim 1. In addition, Mohindra similarly fails to teach this recited element of claim 1. Lastly, the Applicants respectfully disagree with the Examiner’s assertion regarding the motivation to combine the teachings of 3GPP TS 04.60 and Mohindra.

Claim 1, as amended, recites:

1. A method for operating a wireless communication system having packet data capabilities, comprising:

sending a message from a mobile station to a network on a same physical channel that is used to transmit packet data, the message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station; and

in response to receiving the message, sending only the specified individual ones of the PSI messages from the network to the mobile station over the same physical channel used to transmit the packet data, wherein the message is a PACKET PSI STATUS message.

It is of note that the Examiner asserts both that 3GPP TS 04.60 teaches a “message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station” and that “3GPP TS 04.60 fails to disclose that the mobile station can specify individual system information messages, it desires, to the network”.

Putting aside, for the moment, the seeming incompatibility of these statements, Applicants herein proceed to examine each assertion independent of the other.

With regards to the first assertion, Applicants disagree that 3GPP TS 04.60 discloses that the mobile station can send a message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station. The Examiner cites page 123 as support for this assertion. In fact, at page 123, there is taught the detailed structure of the PSI Message type. As is clearly stated in the description of the PSI Message type, "This message is sent on the PACCH from the mobile station to the network to indicate which PSI messages the mobile station has received." There is no teaching of any element by which the mobile station can specify "individual ones of packet system information (PSI) messages that are required for reception by the mobile station" as is claimed. In contrast, the information element details section directed to the "Received PSI Message List (construction)" recites that "This construction contains a list of correctly received PSI messages." As stated, the described construction does not teach a structure directed to containing a list of required PSI messages.

In light of the above, Applicants agree with the Examiner's second assertion. Specifically, Applicants agree that "3GPP TS 04.60 fails to disclose that the mobile station can specify individual system information messages, it desires". However, Applicants disagree with the relevance of the Examiner's assertion that "Mohindra teaches that a mobile station can request specific system information messages from the network and the network will only send the requested system information messages".

Without addressing the veracity of the Examiner's assertion, its content is of uncertain relevance to the recitations of claim 1. Specifically, the Examiner asserts that Mohindra recites the general ability of a system to allow "the mobile to request and receive specific system information messages from the network." However, claim 1 recites a particular method and structure for requesting particular information in a particular manner. Specifically, claim 1 recites specifying, via a PACKET PSI STATUS message, individual ones of packet system information (PSI) messages that are required for reception by the

mobile station. Mohindra makes no mention of a status message, let alone a packet PSI status message as recited in claim 1.

Applicants further respectfully disagree with the Examiner's assertion that it would have been obvious to "modify 3GPP TS 04.60's method by incorporating Mohindra's push procedure, the motivation being the mobile station can save radio resources and reduce battery consumption by not requesting unnecessary system information such as the one already stored in the system . . .".

As the MPEP states at 2143.01, citing *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984), "If proposed modifications would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification."

Applicants allow that Mohindra teaches, generally, inter-application wireless communication between a sending and receiving device wherein the receiving device informs the sending device about the data it would like receive. However, as discussed above, 3GPP TS 04.60 does not define a structure for specifying messages that are required for reception by the mobile station. As is well understood by one skilled in the art, a wireless technical standard, such as 3GPP TS 04.60, is defined down to the bit level. Support for this assertion is evident from the Examiner's citation of page 123 of 3GPP TS 04.60. As noted above, there is recited at this citation a bit-wise format of a packet PSI status message. Therefore, the provision of additional information via a construct separate from the PACKET PSI STATUS message, as defined by 3GPP TS 04.60, would result in a communication not congruent with the well defined protocol in use. Applicants submit, as is well understood, that such a free form deviation from an implemented standard renders the schema inoperable in the context of the 3GPP TS 04.60 standard.

In addition, by precisely specifying that the Received PSI message List element "contains a list of correctly received PSI messages", and omitting any reference to a data structure element for "specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station" as claimed, the disclosure of 3GPP TS 04.60 teaches away from employing a methodology for so specifying such PSI

messages. Therefore, while a combination of the teachings of 3GPP TS 04.60 and Mohindra et al. is explicitly deemed to be inappropriate, assuming, *arguendo*, that such a combination were obtained, the resulting combination would not be consistent with the recitations of claim 1. Specifically, such a combination would result in the data structures as taught by 3GPP TS 04.60 onto which are grafted the additional data structures of Mohindra et al. for informing the sending device about the data it would like receive. This arrangement is, for the reasons stated above, not equivalent to a “message specifying individual ones of packet system information (PSI) messages that are required for reception by the mobile station . . . wherein the message is a PACKET PSI STATUS message” as is claimed.

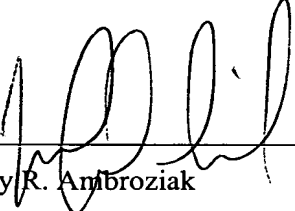
For the reasons so stated, claim 1 is in condition for allowance. All of the remaining independent claims 7, 13, and 20 likewise recite language directed to, generally, utilizing a PACKET PSI STATUS message to specifying individual ones of packet system information (PSI) message types that are required for reception by the mobile station. Therefore, for the reasons stated above, claims 7, 13, and 20 are likewise in condition for allowance. As all of claims 2-6, 8-12, 14-19, and 21-26 are dependent upon claims 7, 13, and 20, they are likewise in condition for allowance.

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An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Respectfully submitted:



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27 Sep 05

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<u>9/27/2005</u>	<u>Clair F. Mun</u>
Date	Name of Person Making Deposit